

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-CR-80-FL

No. 5:13-CV-46-FL

JERRY SCOTT HILL,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

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ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge William A. Webb, regarding petitioner’s motions to vacate (DE 83, 86), respondent’s motion to dismiss (DE 92), petitioner’s motion for leave (DE 95), and petitioner’s motion under Rule 35(a) (DE 96 at 5). No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

Upon careful review of the M&R and of the record generally, having found no clear error, the court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiff’s motion to vacate is DENIED, respondent’s motion is GRANTED, petitioner’s motion for leave is granted, and petitioner’s motion under Rule 35(a) is DENIED. Accordingly, this matter is DISMISSED. In addition, where petitioner has not demonstrated a “substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), a certificate of appealability is DENIED. The clerk of court is directed to close the case.

SO ORDERED this the 25th day of November, 2013.



LOUISE W. FLANAGAN
United States District Judge